

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3496 of 2016 (O&M)

Date of Decision: 18.3.2016

Harvinder Singh @ Hinda @ Hindu

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Ishma Randhawa, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

Mr. P.B.S. Goraya, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.36 dated 23.6.2014 under sections 302, 120, 34 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Mattewal, District Amritsar.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Pavitarjit Singh.

It was stated by the complainant that his cousin namely Gurdev Singh was shot at on the intervening night of 22/23.6.2014 and the dead body was found lying close to an unmetalled road near Boparai Stream with head injuries.

It was a blind F.I.R as the complainant had asserted that certain unidentified persons had shot at deceased Gurdev Singh.

It so transpires that after a period of almost 14 months and during the course of investigation, statement of one Jagir Singh was recorded on 25.8.2015 and who stated that he had overheard the present

petitioner as also 4/5 other persons regarding Gurdev Singh having been done away with and the contract killing amount to be distributed thereafter. Prosecution is stated to have recorded yet another statement of one Jarnail Singh on 29.8.2015 and as per which the present petitioner had suffered a confessional statement with regard to killing to deceased Gurdev Singh.

As per prosecution the motive attributed is that the present petitioner had availed of a loan from a Commission Agent namely Kabal Singh and which was facilitated by deceased Gurdev Singh in the capacity of a guarantor and since Kabal Singh was insisting upon Gurdev Singh deceased to repay the amount, it is under such circumstances that a plan was hatched by the present petitioner to eliminate Gurdev Singh.

It is a case of circumstantial evidence. The prosecution version put forth has to be tested on the basis of evidence to be led before the Trial Court. Petitioner has been in custody since 3.9.2015.

Learned State counsel upon instructions from ASI Kewal Singh would apprise the court that out of 34 prosecution witnesses cited only 1 has been examined till date. The trial, as such, would take time to conclude.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Amritsar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

18.3.2016
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